

August 27, 2013

RE:

ET Docket No. 13-84, Reassessment of Federal Communications  
Commission Radiofrequency Exposure Limits and  
Policies

ET Docket No. 03-137, Proposed Changes in the Commission's Rules  
Regarding Human Exposure to Radiofrequency  
Electromagnetic Fields

Dear FCC Commissioner:

- 1) I am submitting the following comments and documents to the FCC Commissioner about the dire need to involve the EPA towards lowering U.S. radiofrequency/microwave (RF/MW) limits to biologically-based standards, and to undertake a full NEPA evaluation as a legal necessity.
- 2) The current FCC proceeding legally requires a NEPA assessment due to reports of injury traceable to RF/MW exposure occurring under existing guidelines, which establishing biologically-based RF safety limits would prevent. The description of this legal necessity for a NEPA follows: Under NEPA, "federal officials are required to assume the responsibility that the Congress recognized . . . as the obligation of all citizens: to incorporate the consideration of environmental factors into the [federal] decision-making process." *Env'tl. Def. Fund v. Tenn. Valley Auth.*, 468 F.2d 1164, 1174 (6th Cir. 1972). Officials comply with NEPA "primarily by [conducting] an [EIS] for any 'major Federal action significantly affecting the quality of the human environment.'" *Burkholder v. Peters*, 58 F. App'x 94, 96 (6th Cir. 2003) (quoting 42 U.S.C. § 4332(2)(C)). [Ref. - <http://www.ca6.uscourts.gov/opinions.pdf/10a0374p-06.pdf> Per No. 09-5761 *Heartwood, Inc., et al. v. Agpaoa, et al.* there is standing to challenge the current exposure guidelines because you have suffered an 'injury in fact' that is concrete and particularized; is actual or imminent; is traceable to wireless exposure; and that it is likely that this injury will be redressed by lower exposure guidelines.]
- 3) The Federal Communications Commission must include provisions for people with disabilities by law. Electromagnetic Sensitivity (EMS) was first recognized by U.S. federal law in 2002 by the U.S. Access Board, as a functional impairment disability covered by the Americans with Disabilities Act (ADA), as follows:

**"The Board recognizes that multiple chemical sensitivities and electromagnetic sensitivities may be considered disabilities under the ADA if the so severely impair the neurological, respiratory or other functions of an individual that it substantially limits one or more of the individual's major life activities."**<sup>1</sup>

- 4) At least 3% of the population has EMS, as cited in the 2005 "IEQ Indoor Environmental Quality" National Institute of Building Sciences report, which was supported by the Access Board.<sup>2</sup> And I am one of the 3%. During the explosion of wireless radiation sources I developed severe EMS. Exposure to RF/MW impairs my sleep, joint and muscle functions, concentration/thinking and breathing. Due to impairment from RF emissions from various sources I must substantially limit time spent in places other people can go, such as school events, club meetings, etc. I cannot use

public transportation due to WiFi and cell phones. These details (and others) regarding my impairment would satisfy the criteria for defining a disability, according to the ADA Amendment Act of 2008, Section 3. Definition of Disability.<sup>3</sup>

- 5) Any cost-benefit figures must include 9.5 million people's loss of daily function due to lack of biologically based RF exposure guidelines, the financial hardship for families from many doctor visits, medicines, supplements, the lack of ability to work and gain income, lack of ability to go places to purchase products or recreate. The sum total of mobility loss, employment loss, social connection loss, medical expenses and incalculable suffering would be nonexistent if only protective biological standards for wireless radiation limits were put in place. In short, FCC's lack of protective RF limits is ruining lives and costing families and society on numerous fronts, yet to be fully realized.
- 6) Reasonable accommodations for EMS, according to the U.S. Access Board in 2005, include turning off cell phones, turning off or unplugging computers and other electrical equipment, and turning off fluorescent lighting in the public buildings.<sup>4</sup> Likewise, EMS people should be allowed to have non-transmitting analog utility meters on their homes and properties without penalties AT THE VERY LEAST. Additional accommodations for EMS would depend upon the location and situation. The FCC rules ought to include provisions for persons suffering this recognized impairment.
- 7) I hope the Commission will realize that because a product or device is legally made and sold does not mean it is safe for every person. Please compare this to peanut or latex allergy. Even small amounts of certain environmental agents are neither tolerable nor safe for some individuals.
- 8) The FCC is entrusted to adhere to existing federal laws in creating policies that affect the entire public. The federal ADA legally requires reasonable accommodation of people with disabilities. Please pursue having a NEPA done by the EPA in light of this serious omission in current law, and addressing the needs of this disabled minority in any updates of RF/MW limits.

Thank you for your time and careful consideration of the FCC's responsibility to include all Americans in its policy considerations, including the most vulnerable groups, such as disabled and others who need special consideration and protection.

Respectfully submitted,

Charyl Zehfus  
N6158 N. 61<sup>st</sup> Street  
Sheboygan, WI 53083  
(920)467-4853

P.S.

I know that the Commission is not comprised of biologists or doctors. So, to help the Commission understand there is scientific and medical basis for getting the EPA to do a NEPA environmental evaluation, please see the following sample of the studies finding some people to have electromagnetic sensitivity and concluding that non-thermal radiofrequency and microwave (RF/MW) radiation exposures can have biological effects.

\*Amy L. Dean, DO, FAAEM, DABEM, DAOBIM, President, American Academy of Environmental Medicine, Letter to Federal Communications Commission Commissioners, August 27, 2013, RE: ET Docket 13-84. “Founded in 1965 as a non-profit medical association, the AAEM is an international association of physicians and scientists who study and treat the effects of the environment on human health...In the last five years with the advent of wireless devices, there has been an exponential increase in the number of patients with radiofrequency induced disease and hypersensitivity...” (Letter attached)

\*2012 BioInitiative Report contains over 1,800 scientific studies done in the previous five years showing biological effects of RF/MW (non-thermal), published by 29 highly respected health professionals from ten countries. The report concluded ‘a growing number of people worldwide have serious and debilitating symptoms that are key to various types of EMF and RFR exposure. Of this there is little doubt.’ <http://www.bioinitiative.org/conclusions/>

\*David E. McCarty, Simona Carrubba, et al., “Electromagnetic Hypersensitivity: Evidence for a Novel Neurological Syndrome,” *International Journal of Neuroscience*, December 2011, Vol. 121, No. 12, Pages 670-676. “The subject demonstrated statistically reliable somatic reactions in response to exposure to subliminal EMFs under conditions that reasonably excluded a causative role for psychological processes. *Conclusion:* EMF hypersensitivity can occur as a *bona fide* environmentally inducible neurological syndrome.”  
<http://informahealthcare.com/doi/abs/10.3109/00207454.2011.608139>

\*William J. Rea, MD, FACS, “Electromagnetic Field Sensitivity,” 1991, *Journal of Bioelectricity*, 10(1&2, 241-256. , “We concluded that this study gives strong evidence that electromagnetic field sensitivity exists, and can be elicited under environmentally controlled conditions.”  
[http://www.aehf.com/articles/em\\_sensitive.html](http://www.aehf.com/articles/em_sensitive.html)

#### Endnotes:

<sup>1</sup> Architectural and Transportation Barriers Compliance Board, “Americans With Disabilities Act ( ADA ) Accessibility Guidelines for Buildings and Facilities; Recreation Facilities.” Federal Register, Vol. 67, No. 170, September 3, 2002, Rules and Regulations, pages 56352-56353.  
<http://www.gpo.gov/fdsys/pkg/FR-2002-09-03/html/02-21805.htm>

<sup>2</sup> National Institute of Building Sciences (NIBS) with funding support from The Architectural and Transportation Barriers Compliance Board (Access Board), “IEQ Indoor Environmental Quality,” 2005, page 4. (Document attached).

<sup>3</sup> ADA Amendment Act of 2008, Sec. 3, Definition of Disability (Document attached).

<sup>4</sup> National Institute of Building Sciences (NIBS) with funding support from The Architectural and Transportation Barriers Compliance Board (Access Board), “IEQ Indoor Environmental Quality,” 2005, page 52. (Document attached).